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7 **UNITED STATES DISTRICT COURT**

8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,)
10 Plaintiff,) CASE NO: 2:16-cr-0032-JCM-EJY
11 vs.)
12)
13 KIMBERLY ANN MILKO,) **STIPULATION TO CONTINUE
14 Defendant.) PRETRIAL DIVERSION HEARING
15) (First Request)
16)
17)**

18 IT IS HEREBY STIPULATED AND AGREED, by and between ROBERT A. KNIEF,
19 ESQ., Assistant United States Attorney, counsel for the UNITED STATES OF AMERICA;
20 THOMAS A. ERICSSON, ESQ., counsel for defendant, KIMBERLY ANN MILKO, that the
21 pretrial diversion hearing currently scheduled for February 19, 2020, at the hour of 10:00 a.m.,
22 be vacated and continued until February 20, 2020, at 10:00 a.m.

23 This stipulation is entered into for the following reasons:

- 24 1. Counsel for Defendant Milko has a conflict in his schedule that necessitates
rescheduling the hearing.
25
26 2. Defendant Kimberly Milko is currently out of custody, and she agrees with
the continuance.
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28

- 1 3. Counsel for Kimberly Milko has spoken to Assistant United States Attorney
- 2 Robert A. Krief, and he agrees with the continuance.
- 3 4. The additional time requested herein is not sought for purposes of delay.
- 4 5. Additionally, denial of this request for continuance could result in a miscarriage
- 5 of justice.

6 DATED: February 12, 2020.

7 /s/ Thomas A. Ericsson
8 THOMAS A. ERICSSON, ESQ.
9 Counsel for Kimberly Ann Milko

7 /s/ Robert A. Krief
8 ROBERT A. KNIEF, ESQ.
9 Assistant United States Attorney
Counsel for USA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
KIMBERLY ANN MILKO,)
Defendant.)
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CASE NO: 2:16-cr-0032-JCM-EJY
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**FINDINGS OF FACT, CONCLUSIONS
OF LAW, AND ORDER**
)
(First Request)
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FINDINGS OF FACT

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for Defendant Milko has a conflict in his schedule that necessitates rescheduling the hearing.
 2. Defendant Kimberly Milko is currently out of custody, and she agrees with the continuance.
 3. Counsel for Kimberly Milko has spoken to Assistant United States Attorney Robert A. Knief, and he agrees with the continuance.
 4. The additional time requested herein is not sought for purposes of delay.
 5. Additionally, denial of this request for continuance could result in a miscarriage of justice.

CONCLUSION OF LAW

The ends of justice served by granting said continuance outweigh the best interests of the public, since the failure to grant said continuance would be likely to result in a miscarriage of justice, would deny the defendant sufficient time and the opportunity within which to be

able to effectively and thoroughly prepare for the pretrial diversion hearing, taking into account the exercise of due diligence.

ORDER

IT IS ORDERED that the pretrial diversion hearing currently scheduled for February 19, 2020, at the hour of 10:00 a.m. be vacated and continued to February 20, 2020, at the hour of 10:00 a.m.

DATED February 13, 2020.

UNITED STATES DISTRICT JUDGE